

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

BRAXTON HOLDER AND EDWARD L.
WEAVER, Derivatively On Behalf of
ADVANCE AUTO PARTS, INC.,

Plaintiff,

v.

CARLA J. BAILO, JOHN F. FERRARO, JOAN
H. HILSON, JEFFREY J. JONES II, EUGENE
I. LEE, JR., DOUGLAS A. PERTZ, SHERICE
R. TORRES, ARTHUR L. VALDEZ, JR.,
NIGEL TRAVIS, THOMAS R. GRECO,
JEFFREY W. SHEPHERD, AND WILLIAM J.
PELLICCIOTTI, JR.,

Defendants,

and

ADVANCE AUTO PARTS, INC.,

Nominal Defendant.

Case No.: 5:24-cv-00030-D

**ORDER CONSOLIDATING
RELATED DERIVATIVE
ACTIONS, EXTENDING
TIME, AND APPOINTING
COUNSEL**

HUGUES GERVAT, Derivatively on Behalf of
ADVANCE AUTO PARTS, INC.,

Plaintiff,

v.

CARLA J. BAILO, JOHN F. FERRARO, JOAN
H. HILSON, JEFFREY J. JONES II, EUGENE
I. LEE, JR., DOUGLAS A. PERTZ, SHERICE
R. TORRES, ARTHUR L. VALDEZ, JR.,
NIGEL TRAVIS, THOMAS R. GRECO,
JEFFREY W. SHEPHERD, and WILLIAM J.
PELLICCIOTTI, JR.,

Defendants,

Case No. 5:24-cv-00097-D

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| <p>and</p> <p>ADVANCE AUTO PARTS, INC.,</p> <p>Nominal Defendant.</p> |
| <p>KAMA LINDEN, Derivatively on Behalf of ADVANCE AUTO PARTS, INC.,</p> <p>Plaintiff, v.</p> <p>CARLA J. BAILO, JOHN F. FERRARO, JOAN H. HILSON, JEFFREY J. JONES II, EUGENE I. LEE, JR., DOUGLAS A. PERTZ, SHERICE R. TORRES, ARTHUR L. VALDEZ, JR., NIGEL TRAVIS, THOMAS R. GRECO, JEFFREY W. SHEPHERD, and WILLIAM J. PELLICCIOTTI, JR.,</p> <p>Defendants,</p> <p>and</p> <p>ADVANCE AUTO PARTS, INC.,</p> <p>Nominal Defendant.</p> |

Case No. 5:24-cv-00118-D

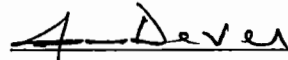
Currently pending before the Court is the Parties' Joint Motion to: consolidate the actions *Holder et al v. Bailo*, Case No. 5:24-cv-00030 (E.D.N.C.), *Gervat v. Bailo et al*, Case No. 5:24-cv-00097 (E.D.N.C.), and *Linden v. Advance Auto Parts, Inc. et al*, Case No. 5:24-cv-00118 (E.D.N.C.) (together, the "Derivative Actions") and extend the time for Defendants to respond to the complaints in these actions; and Plaintiffs' motion to appoint Gainey McKenna & Egleston ("GME") and The Rosen Law Firm, P.A. ("Rosen") as Co-Lead Counsel and appoint the Law Offices of James Scott Farrin ("Farrin") and the Hausler Law Firm, PLLC ("Hausler") as Co-Liaison Counsel.

IT IS HEREBY ORDERED THAT:

1. The Parties' Motions are GRANTED.
2. Pursuant to Rule 42(a), the Derivative Actions are deemed related to and consolidated with each other (collectively, the "Consolidated Action").
3. GME and Rosen are hereby appointed as Co-Lead Counsel. Co-Lead Counsel shall be responsible for coordinating all activities and appearances on behalf of plaintiffs. No motion, request for discovery, or other pre-trial or trial proceedings will be initiated or filed by any plaintiffs except through Co-Lead Counsel.
4. Farrin and Hausler are hereby appointed as Co-Liaison Counsel.
5. Co-Lead Counsel shall have the following responsibilities, to be carried out either personally or through counsel whom Co-Lead Counsel shall designate:
 - a. coordinate the briefing and argument of any and all motions;
 - b. coordinate the conduct of any and all discovery proceedings;
 - c. coordinate the examination of any and all witnesses in depositions;
 - d. coordinate the selection of counsel to act as a spokesperson at pretrial conferences;
 - e. call meetings of the plaintiffs' counsel as they deem necessary and appropriate from time to time;
 - f. coordinate all settlements negotiations with counsel for defendants;
 - g. coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this matter and to delegate work responsibilities to selected counsel as may be required;
 - h. coordinate the preparation and filings of all pleadings; and

- i. supervise any other matters concerning the prosecution, resolution or settlement of the Consolidated Action:
6. Within sixty (60) days of entry of this Order, the Parties shall file a joint proposal (or competing proposals) for case management in the Consolidated Action.
7. Defendants shall have sixty (60) days from entry of this Order to answer or otherwise respond to the complaints in the Derivative Actions.

SO ORDERED. This the 9 day of April, 2024.



JAMES C. DEVER III
United States District Judge